

REGULAR CITY COUNCIL MEETING  
MARCH 12, 1990

PRESENT

Don Dafoe  
Wesley J. Bloomfield  
Gayle Bunker  
Robert Dekker  
Robert Droubay  
Rex T. Harris

Mayor  
Council Member  
Council Member  
Council Member  
Council Member  
Council Member

ABSENT

None

OTHERS PRESENT

Dorothy Jeffery  
Richard Waddingham  
Neil Forster  
Virginia Taylor  
Justin Taylor  
Brian Taylor  
Tom Judd  
Rick Judd  
Russ Judd  
Phyllis Munster  
Kerry Manis  
Mary Crafts  
Gordon Searle  
Jim Robson  
Jared Willoughby  
Carl Anderson  
David Anderson  
Wilma Lebbon  
Manny Lebbon  
Livingston Panhorst  
Mr. & Mrs. Stephen Beagley  
Terrell Beagley  
Barbara Cox  
John Otto  
Roland Comeau  
Joe Kerring  
Rob Lang  
Michael Van DeVanter  
George Van DeVanter  
Bryce Ashby

City Recorder  
City Attorney  
Public Works Director  
Deputy Recorder  
Boy Scout  
Boy Scout  
City Resident  
Boy Scout  
Boy Scout  
Cellar Club  
Cellar Club  
Cellar Club  
Wagon Wheel  
Curley's Lounge  
Boy Scout  
City Resident  
Boy Scout  
City Resident  
Boy Scout  
Boy Scout  
Millard County Residents  
Boy Scout  
March of Dimes  
American Youth Soccer Association  
American Youth Soccer Association  
American Youth Soccer Association  
Millard County Sheriff's Office  
The Bankruptcy Store  
The Bankruptcy Store  
Delta Fire Chief

Mayor Dafoe called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Dafoe stated that notice of the meeting time, place and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, the local radio station, KNAK, and to each member of the City Council by personal delivery two days prior to the meeting.

#### MINUTES

The proposed minutes of a Regular City Council Meeting held February 26, 1990, were presented for consideration and approval. The Council reviewed the minutes briefly, after which Council Member Wesley Bloomfield MOVED that the minutes be approved as presented. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Following Attorney Waddingham's arrival, Mr. Waddingham proposed corrections to the minutes. Following discussion, Council Member Wesley Bloomfield MOVED to reopen the minutes of a Regular City Council Meeting held February 26, 1990, and amend the minutes as recommended by Attorney Waddingham. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

#### ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Wesley Bloomfield MOVED that the accounts payable be approved for payment as listed in the amount of \$7,240.09. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

#### NEW BUSINESS

##### ATTORNEY RICHARD WADDINGHAM: DELTA CITY PERSONNEL POLICY

Mayor Dafoe asked Attorney Richard Waddingham to present a portion of the proposed Delta City Personnel Policy.

Attorney Waddingham was not prepared to discuss this item; therefore, this item will be discussed at the next Regular City Council Meeting.

ATTORNEY RICHARD WADDINGHAM: UTAH LEAGUE OF CITIES AND TOWNS PROPOSAL

Mayor Dafoe asked Attorney Waddingham to present a proposal from the Utah League of Cities and Towns.

Mr. Waddingham said that he received information regarding this proposal, and he is redrafting an ordinance, which will comply with the State's proposal. Mr. Waddingham said he would present a proposed ordinance regarding the Utah League of Cities and Towns at the next Regular City Council Meeting.

Council Member Robert Droubay MOVED to table this agenda item until the next Regular City Council Meeting. The motion was SECONDED by Wesley Bloomfield. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ATTORNEY RICHARD WADDINGHAM: PROPOSED ORDINANCE REGARDING LOCAL OPTION SALES TAX

Mayor Dafoe asked Attorney Richard Waddingham to present a proposed ordinance regarding Local Option Sales Tax.

Attorney Waddingham presented the following ordinance entitled:

## ORDINANCE NO. 90-125

AN ORDINANCE IMPOSING A ONE PERCENT MUNICIPAL SALES AND USE TAX, PROVIDING FOR THE PERFORMANCE BY THE STATE TAX COMMISSION OF ALL FUNCTIONS INCIDENT TO THE ADMINISTRATION, OPERATION AND COLLECTION OF A SALES AND USE TAX HEREBY IMPOSED, PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

Following discussion, Council Member Gayle Bunker MOVED to approve Ordinance No. 90-125 as presented. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Wesley Bloomfield	Yes
Council Member Gayle Bunker	Yes
Council Member Robert Dekker	Yes
Council Member Robert Droubay	Yes
Council Member Rex Harris	Yes

Mayor Dafoe then signed the ordinance and it was attested by City Recorder Dorothy Jeffery.

ATTORNEY RICHARD WADDINGHAM: STATUS OF NOTICE PROCEDURE FOR ZONING ORDINANCE VIOLATION

Mayor Dafoe asked Attorney Richard Waddingham to review the status of a zoning ordinance violation.

Attorney Waddingham said that City Recorder Dorothy Jeffery sent a letter to Ruben Lazaro regarding a business license.

Mrs. Jeffery then explained that she did send a letter to Mr. Ruben Lazaro stating that Mr. Lazaro is in violation of the Delta City Business License Ordinance and requested that he meet with her to discuss this issue.

Mrs. Jeffery reported that Mrs. Lazaro did come to her office and said she would return and fill out an application for a business license. Mrs. Jeffery explained that when an application is completed, it will be given to Zoning Official Neil Forster for zoning approval or disapproval, back to Mrs. Jeffery, and then to Attorney Waddingham if further action is to be taken.

NEW BUSINESS

ROLAND COMEAU, AMERICAN YOUTH SOCCER ASSOCIATION: USE OF NEIGHBORHOOD PARK FIELD AND CITY PARK FIELD FOR SOCCER GAMES

Mayor Dafoe asked Roland Comeau, American Youth Soccer Association (AYSA), to address the Council regarding use of the Neighborhood Park Field and the City Park Field for soccer games.

Roland Comeau introduced John Otto and asked him to lead the discussion.

John Otto requested Council's permission to use the Neighborhood Field and the City Park Field (Old Football Field) for soccer games during the Spring and Fall Seasons, which will be March 30 through May 12 and September 8 through October 13, 1990.

Mr. Otto expressed the following concerns of the AYSA:

1. Little League Baseball season starting date gets earlier each year and cuts into the soccer season. Would like to schedule both baseball and soccer so they do not interfere with each other and so they can both use the same fields.

The Council agreed that the Neighborhood Park is for public use and should not be dominated by or for any particular association or sport.

2. The Neighborhood Park Field has a bare spot between the two soccer fields. Mr. Otto requested that sod be placed in that area.

Public Works Director Neil Forster said that the bare spot is caused from a drainage problem; however, he will check and see what can be done about it.

3. The Classy Chassis Car Club schedules their Car Show in the Fall and schedules the use of the Old Football Field for that show. However, in the past, the field has not been used but causes an inconvenience for the soccer games on that day.

Mrs. Jeffery said that the Car Club has not yet scheduled their 1990 Car Show with the City; therefore, she could schedule the soccer games on that field.

4. Mr. Otto also requested that the southeast parking area by the Old Football Field be graveled.

Mayor Dafoe instructed Council Member Robert Droubay to handle the scheduling of the Neighborhood Park and the City Park fields.

MIKE VAN DEVANTER, BANKRUPTCY STORE: BANKRUPTCY STORE LICENSE FEE ADJUSTMENT

Mayor Dafoe asked Mike Van DeVanter to address the Council regarding a license fee adjustment for The Bankruptcy Store.

Mike Van DeVanter reviewed a letter sent to him on February 9, 1990, from Mayor Dafoe regarding The Bankruptcy Store's past due business license fees for 1989 and 1990.

Mr. Van DeVanter said that in 1989 a letter regarding his business license fees was not mailed to his correct mailing address; therefore, Mr. Van DeVanter requested that his 1989 fee of \$150.00 be waived.

Mr. Van DeVanter then requested that the 1990 business license fee be reduced from \$100.00 and that the penalty of \$10.00 be waived, due to the fact that he did not receive his mail at the proper address. Mr. Van DeVanter said that The Bankruptcy Store is mainly used for storage, and that business is only conducted out of that store during the summer months. Mr. Van DeVanter does not feel that a \$100 fee should be charged.

The Council reminded Mr. Van DeVanter that he has conducted business and paid a business license fee for several years and that he is aware that he is subject to such business license fees.

Following discussion, Council Member Wesley Bloomfield MOVED that a \$100.00 license fee for 1989 be charged for The Bankruptcy Store and a \$50.00 penalty for 1989 be waived due to hardship. Also, that the 1990 business license fee of \$100.00 for The Bankruptcy Store be reduced to \$50.00 and that the \$10.00 penalty

for 1990 be waived due to hardship. The aforementioned waiver is contingent on Mr. Van DeVanter making immediate payment of the \$150.00 to the Delta City Business License Official. Mr. Van DeVanter informed the City Council that he would make such payment the following morning. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. Council Member Robert Dekker voted against the motion. The motion passed by a majority vote.

BARBARA BRUNSON/COX: MARCH WALKATHON AMERICA/MARCH OF DIMES

Mayor Dafoe asked Barbara Bunson Cox to address the Council regarding the March of Dimes March Walkathon America.

Barbara Cox explained that she is the Chairman for the 1990 March of Dimes Walk America and requested Council's approval to hold a walkathon on April 28, 1990. She then showed and explained the proposed 12 mile route for the Walkathon to the Council.

Ms. Cox also requested Council's permission to hang a banner across Main Street advertising the Walkathon. Public Works Director Neil Forster said that, due to problems in the past with banners across Main Street, he would not recommend that a banner be hung across Main Street; but, he would help Ms. Cox find a suitable place to hang a banner.

Ms. Cox explained that the Chassy Classis Car Club is going to provide spotters for the walkers and an ambulance will be available during the walk.

Mayor Dafoe instructed Council Member Robert Dekker to view the route with Ms. Cox and make any adjustments to the route that are necessary to ensure safety for the participants. Upon completion of Councilman Dekker's observation and recommendations, Ms. Cox has Council's approval to proceed with the walkathon.

PHYLLIS MUNSTER, CELLAR CLUB: CELLAR CLUB BUSINESS LICENSE/BEER LICENSE

Mayor Dafoe asked Phyllis Munster, Manager of the Cellar Club, to address the Council regarding a business license for the Cellar Club.

Phyllis Munster said that she does not feel that the Cellar Club is a business but rather a non-profit organization that sponsors a dance one night per week - four hours per night. She said that the Cellar Club is currently operating under a Consumption License.

Discussion focused on whether Mrs. Munster was selling alcoholic beverages at the Cellar Club. Although Mrs. Munster stated that the furnishing of an alcoholic beverage at the Cellar Club was

based on giving a \$1.00 donation to a non-profit organization, Mrs. Munster also admitted that no beer was given to a patron who did not pay the \$1.00 donation.

The City Council informed Mrs. Munster that even though she referred to the \$1.00 payment as a "donation" it was, in fact, a "sale" of an alcoholic beverage and as such the Cellar Club would be subject to the business license and beer license ordinances.

Furthermore, the City Council informed Mrs. Munster that several complaints have been made regarding problems associated with minors who frequent the Cellar Club, such as disorderly conduct and assaults.

The City Council advised Mrs. Munster that she must strictly comply with the City Ordinances relating to a consumption license and that, if she attempted to sell or provide alcoholic beverages on the Cellar Club premises, she would be subject to criminal prosecution and a cease and desist order could be issued to close the Cellar Club.

ROB LANG, MILLARD COUNTY SHERIFF'S OFFICE: MILLARD COUNTY SHERIFF'S REPORT

Mayor Dafoe asked Rob Lang, Millard County Deputy, to report on the activities of the Millard County Sheriff's Office.

Rob Lang, explained that he is the Senior Deputy Sheriff assigned to the West Patrol and is the acting supervisor in Sgt. Stewart's absence. Deputy Lang assured the Council that the integrity of the contract between Delta City and the Millard County Sheriff's Office for law enforcement service is being maintained.

Attorney Richard Waddingham expressed appreciation to Deputy Lang for the fine manner in which he has acted in Sgt. Stewart's absence and for the prompt, efficient and enthusiastic manner in which he has provided needed information to Attorney Waddingham.

Council Member Wesley Bloomfield requested that the Millard County Sheriff's Office provide a monthly Delta City Incident Report to the Council. Deputy Lang said a report could be available in April.

PUBLIC WORKS DIRECTOR NEIL FORSTER: CREAMER & NOBLE - PARTIAL PAYMENT REQUEST

Mayor Dafoe asked Public Works Director Neil Forster to present a partial payment request regarding the Airport Project from Creamer & Noble.

Public Works Director Neil Forster reviewed a letter he received from Creamer & Noble Engineers dated February 26, 1990 regarding

the Delta Municipal Airport AIP 3-49-0006-01, which states the following:

"In lieu of J.M. Sumsion protesting the Department of Labor requirement of paying extra to a driver of a "ten-wheel/pup" combination, we would like to request a partial payment for construction engineering services. The retained amount would then be payable at the time the wage rate problem is satisfactorily resolved."

A letter was also sent to Mayor Dafoe from Creamer & Noble Engineers requesting partial payment in the amount of \$21,000, which would leave a retainage of \$4,604.30.

Following discussion, Council Member Gayle Bunker MOVED to authorize payment to Creamer & Noble Engineers in the amount of \$21,000. The motion was SECONDED by Council Member Rex Harris. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

PUBLIC WORKS DIRECTOR NEIL FORSTER: STREET LIGHT AT 800 NORTH 300 WEST - POSSIBLE ADDITION TO STREET LIGHTING CONTRACT

Mayor Dafoe asked Public Works Director Neil Forster to discuss a proposal for a street light at 800 North 300 West.

Public Works Director Neil Forster reported that there is a street light in place by the railroad crossing located at 800 North 300 West. In researching, Mr. Forster found that at one time the light was being maintained by the Union Pacific Railroad; however, it is no longer a maintained light.

Mr. Forster recommended that Delta City replace the light, which has been shot out, and maintain the street light as part of the Delta City Street Lighting System.

Following discussion, Council Member Robert Dekker MOVED to include the street light at 800 North 300 West as part of the Delta City Street Light System. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

PUBLIC WORKS DIRECTOR NEIL FORSTER: PORTABLE RESTROOM PURCHASE FROM IPP

Mayor Dafoe asked Public Works Director Neil Forster to address the Council regarding the disposition of two portable restrooms that Delta City purchased from I.P.P.



Public Works Director Neil Forster said that Delta City has applied for a Community Development Block Grant (CDBG) to build restrooms in the City Park and funding from the CDBG looks favorable.

Mr. Forster said that Delta City, Fillmore City and Hinckley City applied for CDBG Grant monies to build restrooms in their parks. He then recommended that Delta City donate to Hinckley City the two portable restrooms that were purchased from I.P.P.; and, with some funding from Millard County, Hinckley City could make two useable restrooms for their park.

Following brief discussion, Council Member Gayle Bunker MOVED to donate two portable restrooms to Hinckley City pending receipt of CDBG monies. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: STATUS OF WHITE SAGE APARTMENT PROPERTY

Mayor Dafoe reported that Al Pitzer, I.P.A., notified him that I.P.A. has given Tumurru Trades, Inc. a deadline of March 15, 1990, to provide a letter of credit or a bond. If that deadline is not met, I.P.A. will clean up the White Sage Apartment property. Mayor Dafoe will report back on this issue after March 15, 1990.

ATTORNEY RICHARD WADDINGHAM: CONTRACT FOR ENGINEERING SERVICES BETWEEN THE CITY OF DELTA AND BUSH & GUDGELL, INC.

Mayor Dafoe asked Attorney Richard Waddingham to present a contract for engineering services for the West Delta Annexation Water System.

Attorney Richard Waddingham presented a contract for Engineering Services between The City of Delta and Bush & Gudgell, Inc. for the "Water Services Project" in the West Delta Annexation area.

Council Member Gayle Bunker proposed a change regarding the Fees on Page 4 of the contract which would require the Owner to pay the Engineer for its services performed within twenty (20) days, rather than 10 as stated, of Engineer's delivery of an itemized statement of such services performed in a given month. The Council agreed to the change of 20 days rather than 10 days.

Mayor Dafoe corrected the proposed change by interlineation, crossing out the ten (10) day notice requirement and inserting a twenty (20) day notice requirement. He then initialed the change before further action was taken.

Following further review, Council Member Wesley Bloomfield MOVED to approve a Contract for Engineering Services Between The City of Delta and Bush & Gudgeon, Inc. for the Water Services Project with the above mentioned change proposed by Councilman Bunker. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Wesley Bloomfield	Yes
Council Member Gayle Bunker	Yes
Council Member Robert Dekker	Yes
Council Member Robert Droubay	Yes
Council Member Rex Harris	Yes

Mayor Dafoe then signed the contract; attested by City Recorder Dorothy Jeffery.

MAYOR DON DAFOE: APPOINTMENT OF DEPARTMENT HEADS

Mayor Dafoe said that according to State Statute, following election of a new Mayor cities are required to reappoint department heads. Mayor Dafoe then recommended that the following department heads be reappointed:

Treasurer - Doyle Bender  
City Recorder - Dorothy Jeffery  
Public Works Director - Neil Forster  
Librarian - Deborah Greathouse  
Asst. Public Works Director - Alan Riding  
City Attorney - Richard Waddingham  
Justice of Peace - Stan Robison  
Deputy Recorder - Virginia Taylor

Council Member Gayle Bunker MOVED to give the Council's consent of approval of the Mayor's appointment of the department heads within Delta City. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DON DAFOE: UPGRADE OF CITY COMPUTER SYSTEM

Mayor Dafoe reviewed with the Council information he received from IBM regarding the upgrading of Delta City's present computer system to an AS/400 System and replacing existing PCs with PS/2s.

Council Member Wesley Bloomfield recommended that two individuals from IPSC look at Delta City's existing and proposed computer system.

Mayor Dafoe asked the Council to review the information presented and consider this purchase for the 1990-1991 budget.

OTHER BUSINESS

Attorney Richard Waddingham said that Millard County Administrator Robyn Pearson contacted him concerning a Quit Claim Deed from Delta City to the United States Bureau of Land Management regarding property located at the Delta Municipal Airport for the purpose of building a by-pass road to I.P.P.

In August of 1989, Delta City, at the request of Millard County, conveyed 12.05 acres of land located at the Delta Municipal Airport to the United States Bureau of Land Management for the purpose of constructing said by-pass road. Due to an oversight by Millard County, an additional 13.91 acres required for the construction of said by-pass road has of this date not been conveyed by Delta City to the Bureau of Land Management.

Mr. Waddingham asked the Council for their recommendation. The Council agreed that this issue should be resolved.

Attorney Waddingham reported that he checked on the legality of the City installing a Stop sign at the railroad crossing located at 200 North 400 West and that the City does have the right to maintain and regulate traffic; however, the installation and maintenance of Stop signs shall be in conformance with the Utah Department of Transportation manual and specifications for a uniform system of traffic control devices.

Attorney Waddingham and Public Works Director Neil Forster agreed to research and determine what regulations need to be complied with for installing a Stop sign. This item will be discussed at the next Regular City Council Meeting.

Mayor Dafoe said that he has received letters from two different Certified Public Accounts requesting to bid Delta City's Audit. Mayor Dafoe and the Council agreed to have Richard K. Turner, C.P.A. conduct Delta City's Audit.

Discussion was held regarding a training session for Mayors and Council Members provided by the Utah League of Cities & Towns which is to be held April 6th and 7th.

EXECUTIVE SESSION

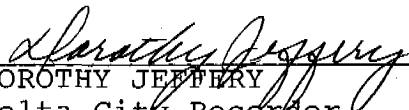
Council Member Gayle Bunker MOVED that the Council meet in closed session at 9:50 p.m. for the purpose of discussing pending litigation. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Wesley Bloomfield	Yes
Council Member Gayle Bunker	Yes
Council Member Robert Dekker	Yes
Council Member Robert Droubay	Yes
Council Member Rex Harris	Yes

Following the closed session, Council Member Gayle Bunker MOVED to reconvene to Regular City Council Meeting at 10:07 p.m. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Dafoe asked if there were any comments, questions or items to be discussed. There being none, Council Member Wesley Bloomfield MOVED to adjourn. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously. Mayor Dafoe declared the meeting adjourned at 10:08 p.m.

  
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DON DAFOE, Mayor

  
\_\_\_\_\_  
DOROTHY JEFFERY  
Delta City Recorder

MINUTES APPROVED: RCCM 3-26-90